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November 20, 2006

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Honorable Joseph C. Spero
United States District Court, 15th Floor
450 Golden Gate Avenue
San Francisco, CA 94102

Re: **Fuller v. City of Richmond**
Case No. C-03-5616 MMC (JCS)

Dear Magistrate Judge Spero:

We are writing to formally request that your excuse our four police officer Defendants from their personal attendance at the upcoming November 30th settlement conference. You will recall that all five Defendant officers (one has since been dismissed) personally attended the last settlement conference with you on May 23rd and you had the opportunity to interact with them.

However, due to staffing issues at the City of Richmond, having these four officers personally attend the upcoming settlement conference would put an undue hardship on the officers and the City. None of them have anything to do with settlement authority. Further, Plaintiff's counsel does not have an objection to their attendance via telephone standby. As such, we request that your excuse these officers from a personal appearance on November 30th and allow them to participate in the conference via telephone standby. As you are also probably aware, Mr. Fuller will be participating only via telephone standby due to his incarceration in state prison.

Should you have any questions, please do not hesitate to contact the undersigned, or Noah G. Blechman, the associate assisting on this matter.

Hon. Joseph C. Spero
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Very truly yours,

/s/

James V. Fitzgerald, III

JVF:ngb

cc: Kirsten Daru, Esq.

Dated: November 20, 2006

